

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

IN RE: Carl & Gail Fuqua

CHAPTER 13

CASE NO. 12-31334

Judge Daniel S. Opperman

**DEBTOR'S OBJECTION TO STATE OF MICHIGAN
PROOF OF CLAIM #24**

Now comes Debtor, **Carl & Gail Fuqua**, by and through attorney, John L. Hicks, and objects to proof of claim #24 for the following reasons:

1. The proof of claim #24 filed 6/29/12 sets forth a **Priority claims: \$5,761.45 for 2008 & 2009 & an unsecured claim of \$1,659.88 for 2007** for Debtor Carl Fuqua.
2. Debtor objects to the priority claim as Debtor did not owe taxes for those years and in fact got a refund.
3. A proposed Order is attached as Exhibit A.

WHEREFORE, DEBTOR(S) respectfully requests that the within objection be sustained and Order that Claim #24 by State of Michigan be allowed a a unsecured claim of **\$1,659.88 and priority claim of 0.00.**

Respectfully Submitted,
Attorney for Debtor(s)

/s/ John L. Hicks
John L. Hicks (P44667)
412 S. Saginaw 1st Floor
Flint, MI. 48502
(810) 232-2223
mooreandhicks@sbcglobal.net

Dated: May 11, 2013

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION-Flint**

IN RE: Carl & Gail Fuqua

**CHAPTER 13
CASE NO. 12-31334
Judge Daniel S. Opperman**

_____/

John L. Hicks (P44667)
412 S. Saginaw 1st Floor.
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**ORDER SUSTAINING OBJECTION TO PROOF OF CLAIM #24 of
STATE OF MICHIGAN**

This matter having come on to be heard upon the Objection of the Debtor(s) to the allowance of the claim of the above referenced creditor, service having been made with a notice of hearing allowing a thirty (30) day notice pursuant to L.B.R. 3007-1), no response having been filed or served, due notice having thus been given and the Court being advised in the premises:

NOW THEREFORE IT IS HEREBY ORDERED that the Objection of the Debtor is sustained with respect to the Proof of Claim #24 of State of Michigan.;

IT IS HEREBY ORDERED that the State of Michigan claim #24 shall have a Priority claim of **0.00** and unsecured claim of **\$1,659.88**.

IT IS FURTHER ORDERED that to the extent that the Chapter 13 Standing Trustee has previously made disbursements on the secured claim those amounts shall be credited to the priority claim.

EXHIBIT A

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN**

IN RE: Carl & Gail Fuqua

CHAPTER 13

CASE NO. 12-31334

Judge Daniel S. Opperman

NOTICE OF OBJECTION TO CLAIM

Debtor, **Carl & Gail Fuqua**, has filed an objection to your claim in this bankruptcy case.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to deny or change your claim, or if you want the court to consider your views on the objection, within 7 days of the hearing date set forth below, you or your attorney must:

1. File with the court a written response or an answer, explaining your position, at:¹

U.S. Bankruptcy Court
226 West Second St.
Flint, MI. 48502

If you mail your response to the court for filing, you must mail it early enough so that the court will **receive** it on or before the date stated above. All attorneys are required to file pleadings electronically.

You must also mail a copy to: **John L. Hicks & Associates**
Attorney for Debtor
412 S. Saginaw St., 1st Fl
Flint, MI 48502

Trustee: Office of the Chapter 13 Trustee
Carl L. Bekofske
400 N. Saginaw, Ste. 331
Flint, MI 48502

2. Attend the hearing on the objection, scheduled to be held on **July 16, 2013, at 10:00 a.m.** in the Courtroom Daniel S. Opperman, United States Bankruptcy Court, 226 W. Second St., Flint, Michigan 48502, unless your attendance is excused by mutual agreement between yourself and the objector's attorney. (Unless the matter is disposed of summarily as a matter of law, the hearing shall be a pre-trial conference only; neither testimony nor other evidence will be received. A pre-trial scheduling order may be issued as a result of the pre-trial conference.)

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Signature: /s/ John L. Hicks (P44667)

Name: John L. Hicks

Address: 412 Saginaw 1st Floor.

Flint, MI. 48502

(810) 232-2223

mooreandhicks@sbcglobal.net

Date: May 11, 2013

¹ Response or answer must comply with .F.R. Civ. P. 8(b), (c) and (e)